**THE HON'BLE MR JUSTICE V.V.S.RAO**

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**WRIT PETITION No.27780 of 2005**

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**Dated:28.12.2005**

Between:

Yellabelli Nukalamma W/o.Appa Rao
R/o.Tadi, Salepuvani Palem Village Parwada Mandal, Visakhapatnam

District, and another.

**..... PETITIONERS**

AND

The Revenue Divisional Officer Visakhapatnam, and another.

**.....RESPONDENTS**

**THE HON'BLE MR JUSTICE V.V.S.RAO**

**WRIT PETITION No.27780 of 2005**

**ORDER:**

The petitioners are residents of Salepuvani Palem Village of Parwada Mandal in Visakhapatnam District. The land in Survey No.93/P was assigned to the petitioners (plot Nos.71 and 69) for house sites. The petitioners allegedly raised huts in the said plots and residing in the same since then. It appears, recently due to heavy rains, their huts were damaged, and therefore, the petitioners commenced construction of pucca houses. They allege that the second respondent interfered with the construction and objected for the same. Assailing the same, the present writ petition is filed, *inter alia,* seeking a direction to the respondents not to interfere with the peaceful possession and enjoyment of plot Nos.71 and 69 in Survey No.93/P.

At the stage of admission itself the learned Assistant Government Pleader for Revenue (Assignments) has obtained instructions from the second respondent. He submits that the petitioners sold away the land to one Geddam Bhaskara Rao, and having come to know the same, the second respondent prevented construction of pucca houses by Geddam Bhaskara Rao. Learned Assistant Government Pleader denied the allegation that the petitioners are in possession of the land and that they

are constructing any pucca houses. He has also placed before this Court a fax message copy of the statement issued by Geddam Bhaskara Rao wherein he stated that he purchased plot No.69 from Ramanamma, W/o.Polaiah, the second petitioner herein, and Yellabelli Nukaraju, S/o.Kondaiah. He also gave an undertaking that he will not raise any construction and that he purchased the land without knowledge that the same is assigned land and that alienation thereon is prohibited by law. The statement is dated 16.12.2005, and there is no reason to disbelieve the same.

The writ petition is filed without any factual foundation. However, if the assignment of the petitioners is to be cancelled and the land is to be resumed, the respondents shall do so in accordance with law.

The Writ Petition, with the above observation, is dismissed. No costs.

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(V.V.S.RAO, J)

28.12.2005

vs